

01-0019-HO

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of:

JERRY S. GILLICK
Pharmacist License
Number 11560

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER
NO. 01-0019-PHR**

DIRECTED TO: JERRY S. GILLICK
20025 N. 20th Way
Phoenix, AZ 85024

Pursuant to Notice of Hearing Number 01-0019-PHR ("Notice") this matter came before the Arizona State Board of Pharmacy ("Board") on November 15, 2001.

Gerald G. Ritt, president, presided with members Susan V. Ford, Dennis McAllister, Paul Draugalis, William Jones and Eugene Drake in attendance.

The State was represented by the Office of the Attorney General, Victoria Martin, Assistant Attorney General, Licensing and Enforcement Section.

The respondent, JERRY S. GILLICK was represented by Joshua Becker, attorney.

FINDINGS OF FACT

I

1. JERRY S. GILLICK is the holder of Pharmacist License Number 11560 issued by the Arizona State Board of Pharmacy which permits the holder to practice pharmacy in the State of Arizona.

2. On the 21st day of May, 2001, JERRY S. GILLICK dispensed prescription number 026293, for Cardec-DM to two year old patient S.M., without a child safety cap as required by 16 C.F.R. 1700(14)(a)(10) and 16 C.F.R. 1700 (15) to wit:

Prescription drugs. Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with [[Page 738]] the provisions of Sec. 1700.15 (a), (b), and (c) . . .

Poison prevention packaging standards. To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commission has determined that packaging designed and constructed to meet the following standards shall be

1 regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application
2 of these standards to substances requiring special packaging is in accordance with Sec. 1700.14.

3 **CONCLUSIONS OF LAW**

4 **II**

5 1. The Board concludes that it has jurisdiction in this Matter pursuant to A.R.S. § 32-1927(A)(10).

6 2. The Board concludes that JERRY S. GILLICK violated A.R.S. § 32-1927(A)(10), 16 C.F.R.
7 1700 (14)(a)(10) and 16 C.F.R. 1700 (15).

8 **ORDER**

9 **III**

10 1. JERRY S. GILLICK shall pay a civil penalty of five hundred dollars (\$500.00) to the Board
11 within 60 days of the date of this Order.

12 2. If JERRY S. GILLICK violates this Order in any way or fails to fulfill the requirements of this
13 Order, the Board, after giving the Respondent Notice and the opportunity to be heard, may revoke,
14 suspend or take other disciplinary action against the Respondent. The issue at such hearing will be limited
15 solely to whether this Board Order has been violated.

16 **RIGHT TO REHEARING**

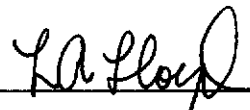
17 **IV**

18 JERRY S. GILLICK is hereby notified that he has the right to petition this Board for a rehearing
19 or review of this decision within thirty (30) days after the receipt of this Order pursuant to A.A.C. R4-
20 23-109 (D). A request for a rehearing or review of this decision shall be in writing and satisfy the
21 prerequisites in A.R.S. R4-23-109(D). Pursuant to A.R.S. § 42-1092.09(B), failure to file a motion for
22 rehearing or review has the effect of prohibiting judicial review of this Order.

1 DATED this 15th day of November, 2001

2 ARIZONA STATE BOARD OF PHARMACY

3
4 SEAL

By 
Llyn A. Lloyd
Executive Director

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8
9
10
11 Copies of the foregoing Finding
12 of Fact, Conclusions of Law and
13 Board Order mailed by certified
mail this 19th day of November, 2001
to:

14 JERRY S. GILLICK
15 20025 N. 20th Way
Phoenix, AZ 85024

16 and Joshua Becker Esq.
17 C/O Kutack Rock LLP
18 8601 N. Scottsdale Road
Scottsdale, AZ 85253-2742
Attorney for the Respondent

19 and by Courier Mail to:

20 Victoria Martin
21 Assistant Attorney General
22 Attorney General's Office
1275 W. Washington
Phoenix, AZ 85007
23 Attorney for the State
24
25
26

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Jerry Gillick
20025 N. 20th Way
Phoenix, AZ 85024

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